

OSD (12/1/11) pjk

UNITED STATES BANKRUPTCY COURT
District of OregonU.S. BANKRUPTCY COURT
DISTRICT OF OREGON**FILED**In re
**Michael Madison O'Neill and Steven Allen Smith,
P.C.**

Debtor(s)

Michael Madison O'Neill

Plaintiff(s)

Steven Allen Smith, P.C.

v.

Defendant(s)

Case No. 14-32050-pcm13

Adv. Proc. No. 15-03040-pcm

ORDER STRIKING
DOCUMENT(S)/ACTION

March 12, 2015

Clerk, U.S. Bankruptcy Court

BY pjk DEPUTY

IT IS ORDERED that:

1. The

Certificate of Service Re: 1 Complaint, 2 Summons Issued Filed By Plaintiff Michael Madison O'Neill (HENDERSON, NICHOLAS)

filed by **NICHOLAS J HENDERSON** on **03/11/15** is/are STRICKEN and will have no legal effect, for the reason(s) stated below:

The document was e-filed using the incorrect event and must be refiled. To locate an event, use the Search function in ECF. For assistance with procedures, please click the Info button at the top of most ECF screens; or go to <http://www.orb.uscourts.gov> and under the Electronic Filing heading, click on ECF Procedures.

Per our phone conversation on 3/11/15, please re-file the Certification of Service of Summons document using the proper event: Adversary > Complaint and Summons > Summons Service Executed.

The document(s) must be filed properly in order to have any legal effect or for the court to take any action.

2. Any fees accompanying the document(s) will not be refunded but will be applied to the document if refiled.

3. **Refiling – effective date of corrected filing:**

To refile the document(s), you must (a) file a new document that corrects the defect that was the reason for striking; AND (b) include the full filing fee, if required (unless the fee was already paid); AND (c) serve any copies as required by court rules. The new document will be entered on the docket as filed on the new date of tender, and will not be considered an amendment to any previously filed document, unless you comply with either ¶4 or 5 below.

4. **Refiling – effective date of original filing:**

If you need the corrected document to be deemed filed as of the date of the original filing, you must file with the court within the later of 7 days from the "Filed" date of this order or any other period specified in ¶1 above BOTH:

(a) a new document that corrects the defect that was the reason for striking AND

(b) a certification that copies of both (i) this order and (ii) the corrected document(s) were served on all parties that were served with a copy of the original document(s) listed in ¶1 above.

Any time deadlines such as time to file responsive documents or to set hearings will be tolled and not begin to run until the filing date of the corrected document.

5. **Inability to file corrected document:**

If you cannot timely file a corrected document as provided in ¶4 above, you may request reconsideration of this order striking the document or action. To request reconsideration, you must file with the court within 7 days of the "Filed" date of this order, or any other period specified in ¶1 above, a written request that the court reconsider the Order Striking Document(s)/Action. The reconsideration request must (a) clearly set forth all grounds for failing to timely file a corrected document as described in ¶4 above AND (b) include a certification that a copy of the request was served on all parties that were served with a copy of the original document(s) listed in ¶1 above.

6. **Adversary proceeding complaint:**

If the document stricken is an adversary proceeding complaint, the adversary proceeding will be DISMISSED without further order or notice if timely action is not taken pursuant to ¶3 or 4 above.

Clerk, U.S. Bankruptcy Court